

DOCKET NO. 2003.11.007.WS0
U.S. SERIAL NO. 10/811,432
PATENT

REMARKS

Claims 1-41 were originally filed in the present application.

Claims 1-41 are pending in the present application.

Claims 1-41 were rejected in the September 4, 2007 Office Action.

No claims have been allowed.

Claims 1, 9, 14-16, 24, 29-31, 36, 40 and 41 are amended herein

Claims 11, 12, 13, 26, 27, 28, 37, 38, and 39 are cancelled herein.

Claims 1-10, 14-25, 29-36, 40 and 41 remain in the present application.

Reconsideration of the remaining claims is respectfully requested.

In Sections 4-6 of the September 4, 2007 Office Action, the Examiner rejected Claims 1-3, 5-7, 16-18, 20-22 and 31-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0146983 to *Scherzer et al.* (hereafter, "Scherzer") in view of U.S. Patent No. 7,130,663 to *Guo* (hereafter, "Guo").

In Section 7 of the September 4, 2007 Office Action, the Examiner rejected Claims 4 and 19 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer reference in view of Guo as applied to Claims 3 and 18, and further in view of U.S. Patent No. 6,453,177 to *Wong et al.*, (hereafter, "Wong").

In Section 8 of the September 4, 2007 Office Action, the Examiner rejected Claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer reference in view of Guo as applied to Claims 1 and 16, and further in view of U.S. Patent No. 6,148,208 to *Love* (hereafter, "Love").

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In Section 9 of the September 4, 2007 Office Action, the Examiner rejected Claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over Scherzer in view of Guo as applied to Claims 1, 16 and 36 and further in view of U.S. Patent No. 7,054,662 to *Judson* (hereafter, "*Judson*").

In Section 10 of the September 4, 2007 Office Action, the Examiner rejected Claims 11-15, 26-30 and 37-41 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer reference in view of Guo and *Judson* as applied to Claim 9, and further in view of U.S. Patent Application Publication No. 2004/0023659 to *Xiao, et al.*, (hereafter, "*Xiao*").

Independent Claim 1 has been amended herein to recite the unique and novel limitation "a differential pilot strength corresponding to a difference between a value of a first pilot strength signal and a value of a second pilot strength signal over a beam update time", which was previously found in dependent Claim 11, in order to more particularly point out and distinctly claim the Applicants' invention. Independent Claim 1 has been amended to recite the unique and novel limitation "a differential power control comprising a cumulative value of said power control signal over said beam update time and corresponding to a difference between a value of said power control signal at a first time in said beam update time and a value of said power control signal at a second time in said beam update time", which was previously found in dependent Claims 12 and 13. Independent Claims 16 and 31 have also been amended herein to recite limitations that are analogous to the unique and novel limitations recited in amended Claim 1.

The Applicants respectfully assert that the unique and novel limitations recited in independent Claims 1, 16 and 31 are not disclosed, taught or suggested in any one of the Scherzer,

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Guo, Wong, Love, Judson, or Xiao references, or in any combination of two or more of those references.

In the September 4, 2007 Office Action, the Examiner conceded that "[r]egarding claim 11, Scherzer in view of Guo and Judson teaches the limitations of claim 9 above, but differs from the claimed invention by not explicitly reciting the calculation of a differential pilot strength signal and a differential power control." The Examiner then alleged that "in an analogous art, Xiao teaches a pilot information gain control method that includes determining a differential pilot strength signal and transmitting differential power control information. (Page 2 [0023-0025])." The Applicants respectfully disagree and traverse the Examiner's arguments in support of the rejection.

Xiao indeed mentions that "as will be made clear below, the power controller provides specific differential power control information as a function, at least in part, of likely channel performance for each (or at least most) of the data channels as determined for a variety of gain factors for the pilot information." (See paragraph 0023). Paragraph 0025 of the Xiao reference provides details on how the differential power is determined: "the pilot power transmission value is incremented 54 by a predetermined amount and the above process repeats with the new pilot power transmission value. The process is done 53 when all candidate pilot power transmission values have been tested in this fashion and a plurality of corresponding likely channel performance values obtained for the data channels."

The Applicants respectfully assert that there are important differences between Xiao's differential power control and the claimed differential power control of Claims 1, 16 and 31. First,

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Xiao's differential power control is obtained by incrementing the "pilot power transmission value" by "a predetermined amount". In contrast, the claimed differential power control is based on "a difference between a value of said power control signal at a first time in said beam update time and a value of said power control signal at a second time in said beam update time". Second, Xiao's differential power control is obtained during a test period for tuning antenna "when all candidate pilot power transmission values have been tested in this fashion" (paragraph [0025]). In contrast, the claimed power control is updated every beam update period.

In sum, the prior art references cited by the Examiner do not teach or suggest the unique and novel limitations recited in independent Claims 1, 16 and 31, as amended. Accordingly, independent Claims 1, 16 and 31 are patentable over the cited prior art. Additionally, dependent Claims 2-10, 14 and 15 depend from Claim 1 and contain all of the unique and novel limitations recited in Claim 1. This being the case, dependent Claims 2-10, 14 and 15 are also patentable over the cited prior art references.

Similarly, dependent Claims 17-25, 29 and 30, which depend from Claim 16, and dependent Claims 32-36, 40 and 41, which depend from Claim 31, contain all of the unique and novel limitations recited in Claims 16 and 31, respectively. This being the case, dependent Claims 17-25, 29 and 30 and dependent Claims 32-36, 40 and 41 are also patentable over the cited prior art references.

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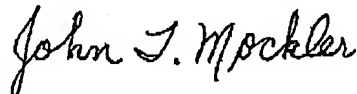
SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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